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Date: October 17, 2003

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Name: Examiner Jessica Roark, Ph.D., Group Art Unit 1644

Facsimile Number: 703-872-9306

Telephone Number: 703-605-1209

Pages: 14 (including this cover page)

Subject: Attorney File No. IM-1-C1-PUS

U.S. Patent Application Serial No: 09/646,561

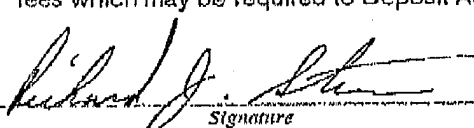



From: Richard J. Stern, Ph.D. (970-493-7272 - Ext 4174)

Special Instructions:

Please find attached a Second Amendment and Response After Final.

CONFIDENTIALITY NOTICE

The documents accompanying this FACSIMILE transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly **PROHIBITED**. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us. Thank you.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)			Docket No. IM-1-C1-PUS			
In Re Application Of: Gek-Kee Sim, Shumin Yang, Karen S. Sellins						
Serial No. 09/646,561	Filing Date March 19, 1999	Examiner Jessica H. Roark	Group Art Unit 1644			
Invention: "CANINE AND FELINE B7-2 NUCLEIC ACID MOLECULES AND USES THEREOF"						
<u>TO THE COMMISSIONER FOR PATENTS:</u>						
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>June 18, 2003</u> in the above-identified application. <small>Date</small>						
The requested extension is as follows (check time period desired): <input checked="" type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months from: <u>September 18, 2003</u> until: <u>October 18, 2003</u> <small>Date</small> <small>Date</small>						
A verified statement of small entity status as a small entity under 37 CFR 1.27: <input checked="" type="checkbox"/> is enclosed. <input type="checkbox"/> has already been filed in this application.						
The fee for the extension of time is \$55 and is to be paid as follows: <input type="checkbox"/> A check in the amount of the fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 081930 <input type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 081930						
 Signature		Dated: October 17, 2003				
Richard J. Stern, Ph.D. Registration No. 50,668 Heska Corporation 1613 Prospect Parkway Fort Collins, CO 80525 Telephone: (970) 493-7272 Facsimile: (970) 491-9976		RECEIVED CENTRAL FAX CENTER OCT 20 2003 OFFICIAL				
cc:		<table border="1"><tr><td style="text-align: center;">CERTIFICATE OF FACSIMILE TRANSMISSION</td></tr><tr><td>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO EXAMINER JESSICA ROARK, PhD, FAX NO. (703)-872-9306, ADDRESSED TO MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, THIS 17TH DAY OF OCTOBER 2003. HESKA CORPORATION By:  Susan A. Gordon</td></tr></table>			CERTIFICATE OF FACSIMILE TRANSMISSION	I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO EXAMINER JESSICA ROARK, PhD, FAX NO. (703)-872-9306, ADDRESSED TO MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, THIS 17TH DAY OF OCTOBER 2003. HESKA CORPORATION By:  Susan A. Gordon
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P12SMALL/REV05

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am an official empowered to act on behalf of Heska Corporation of 1613 Prospect Parkway, Fort Collins, Colorado 80525, a small business concern.

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "CANINE AND FELINE B7-2 NUCLEIC ACID MOLECULES AND USES THEREOF," and identified as Attorney File No. IM-1-C1-PUS, described in the specification filed on March 19, 1999, receiving Serial No. 09/646,561.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: October 16, 2003

By: CT Verser
Carol Talkington Verser, Ph.D.
Executive Vice President
Intellectual Property and Business Development
Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525

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